

# EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

LATANYA BOTTLEY, individually, and )  
on behalf of all others similarly situated, )

Plaintiffs, )

v. )

RWDT FOODS, INC. d/b/a DENNY'S )  
RESTAURANTS, RONALD WOOTEN, )  
and DONNELL THOMPSON, )

Defendants. )

Civil Action No.:

1:17-cv-01516-ELR

**AFFIDAVIT OF JASON T. BROWN**

I, Jason T. Brown, having been duly sworn, hereby depose and state as follows:

1. I am an adult over twenty-one (21) years of age and am competent to testify to all matters contained herein.

2. I am the senior litigator and managing partner of The JTB Law Group, LLC. I am a graduate of Rutgers School of Law-Camden and have been practicing law since 1996. During my legal career, I have extensive experience and practice in the area of labor and employment law on the Plaintiffs' side. I have successfully represented employees and workers nationwide in FLSA collective actions and/or

Rule 23 class actions for wage and hour law violations. I also served as a Legal Adviser and Special Agent for the Federal Bureau of Investigation.

3. Some of my representative wage and hour collective/class actions with successful recovery for the plaintiffs are:

- a. *Eshelman, et al. v. Client Services, Inc., et al.*, 0822-CC-00763, the Twenty-Second Judicial District of the Missouri Circuit Court;
- b. *Miller, et al. v. Aon Risk Services Companies, Inc., et al.*, 1:08-cv-05802 (N.D.II.);
- c. *Lambert, et al. v. Sykes Enterprises, Incorporated*, 4:11-cv-00850-BSM (E.D.Ark.);
- d. *Calnan, et al v. Veolia Energy North America LLC*, 1:12-cv-11412-WGY (D.Mass.);
- e. *Orakwue, et al. v. Selman Associates Ltd, et al*, 7:13-cv-00052-RAJ (W.D.Tex.);
- f. *Cerrato v. Alliance Material Handling Inc. et al*, 1:13-cv-02774-WDQ (D.Md.);
- g. *Dunagan v. Ryder Integrated Logistics, Inc.*, 4:13-cv-03496 (S.D.Tex.);
- h. *Atkinson et al v. Teletech, L.L.C. et al*, 3:14-cv-00253-WHR (S.D.Oh.);
- i. *Shaver v. Gills Eldersburg, Inc. et al*, 1:14-cv-03977-JMC (D.Md.);
- j. *Voss v. Alcon Laboratories, Inc.*, 16-cv-01040 (D.Minn.); and
- k. *Hodge v. Signia Marketing Ltd. et al*, 1:15-cv-02839-KMT (D.Colo.).

4. This Affidavit is submitted in support of the Parties' Joint Motion for Approval of Settlement Agreement.

5. I am the attorney of record and lead counsel for the Plaintiffs in the above-captioned case. As such, I have personal knowledge of the facts, circumstances and procedural history of this litigation.

6. My firm has invested a significant amount of time, expenses and resources in prosecuting this case, including, but not limited to, comprehensive pre-litigation investigations, drafting pleadings, drafting and filing Motion for Conditional Certification and a supporting Reply, conducting written discovery and document review, requesting and reviewing documents produced by the U.S. Department of labor, noticing and preparing for the scheduled 30(b)(6) deposition, preparing Plaintiffs' depositions noticed by Defendants, arms' length negotiations between the Parties, drafting and negotiating the settlement agreement, drafting and filing the Parties' Joint Motion for Approval of Settlement, and all other work in finalizing this settlement. We anticipate there will be more work required through the conclusion of this matter, such as coordinating with Defendants' counsel and communication with Plaintiffs regarding the settlement disbursements if the Court grants the pending Motion for Approval of Settlement Agreement.



7. Plaintiffs respectfully request for approval of counsel fees and costs in the amount of \$36,700.00. Counsel for Parties negotiated this amount separately and after the Parties agreed to the payment amount for Plaintiffs' damages.

8. The requested amount for fees and costs is fair and reasonable. Defendants agree to this amount.

9. Although my normal rate is between \$550 and \$600 an hour, to conform with the local rates I respectfully request the Court approve a rate at \$475 per hour which is reasonable given my experience and expertise.

10. For example, in my representative case, *Dunagan v. Ryder Integrated Logistics, Inc.*, 4:13-cv-03496 (S.D.Tex.), I was approved for \$495 per hour; in another representative case, *Hodge v. Signia Marketing Ltd. et al*, 1:15-cv-02839-KMT (D.Colo.), I was approved for \$475 per hour.

11. I have spent approximately 26.2 hours on this case, and calculated at \$475 per hour, I have incurred a putative lodestar of \$12,445.00.

12. My associate attorney Zijian Guan primarily assisted me on this case. She has spent about 193.7 hours on this case and requests approval of \$295 per hour here. She will be providing a separate affidavit describing her background, experience and hours worked on this case. Collectively, Ms. Guan and I have incurred a putative lodestar of \$69,586.50, not including the other staff's time spent on this case.

13. My firm has incurred litigation costs for \$1,960.29, so the actual counsel fees we were to receive pursuant to the Settlement Agreement would be \$34,739.71, which is only 50% of the putative lodestar.

14. Based on my experience and evaluation of the documents produced through discovery, the proposed settlement is in the best interest of Plaintiffs. Under the settlement, Plaintiffs are to recover 100% of their back wages including overtime plus approximately 40% premium for liquidated damages, bringing certainty and finality to the Plaintiffs. Thus, the settlement should be approved by the Court.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

  
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Jason T. Brown

Sworn to me and subscribed in my presence this 8th Day of April, 2018

My commission expires: Attorney at Law State of New Jersey 020832012

  
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Notary Public